

## REMARKS

Claims 1-32 are pending and stand rejected. Claims 1-6 and 17-22 are amended, claims 13, 14, 28, and 29 are canceled, and claims 33-41 are added herein. Claims 1-12, 15-27, and 30-41 are pending upon entry of this amendment. Support for the new claims is found throughout the specification including at paragraphs 23-26, 43-44, 49, and 55. The specification is amended to update the references to the related applications and correct a typographical error.

### Interview Summary

Applicants' representative thanks Examiners Sciacca and Pwu for the telephonic interview conducted on January 17, 2008. During the interview, agreement was reached that the amendment to claim 1 presented herein overcomes the rejection based on Silberschatz. This amendment also presents additional dependent claims directed to aspects of Applicants' invention as briefly discussed in the interview.

### 35 U.S.C. § 102(b) Rejections

Claims 1-15, 17-30, and 32 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Silberschatz (Operating System Concepts). Applicants respectfully traverse this rejection as applied to the amended claims.

Claim 1 recites a method comprising:

receiving, **by an application executed by an operating system**, an operating parameter of a client device;  
**changing a value** representing a performance measure of the client device assigned to a usage variable based at least in part on the operating parameter of the client device; and  
correlating by the application a resource usage level of the application with the usage variable, the correlating comprising the **application**

**modifying its own execution based at least in part on the change to the value assigned to the usage variable.**

As amended, claim 1 recites that an application executed by an operating system receives an operating parameter of a client device. A value representing a performance measure of the client device is changed based at least in part on the operating parameter. The application correlates a resource usage level of the application with the usage variable, where this correlating comprises the application modifying its own execution based at least in part on the change to the value assigned to the usage variable. Support for the amendments is found throughout the specification, including at paragraphs 15, 23-25, 41, 43-44, and 48.

Silberschatz is a textbook concerned with the design of computer operating systems. The portions relied upon by the examiner to support the rejection of claim 1 primarily relate to how the operating system schedules the CPU. Page 163 describes a round-robin algorithm used for preemptive scheduling. Under this type of scheduling, the operating system maintains a FIFO “ready queue” of processes waiting to be executed. Each process in the queue receives one quantum (e.g., 4 ms) of CPU processing time. A process that does not complete execution within its quantum is placed at the tail end of the ready queue.

During the interview, agreement was reached that Silberschatz does not disclose, at the least, the elements related to an application executed by an operating receiving an operating parameter, or the application modifying its own execution based at least in part on the change to the value assigned to the usage variable. Accordingly, Applicants submit that claim 1 is not anticipated by Silberschatz. Claim 25 is not anticipated by Silberschatz for at least the same reasons as claim 1 and the dependent claims incorporate the limitations of the respective base

claims. Therefore, Applicants respectfully request that the Examiner withdraw the § 102 rejection.

**35 U.S.C. § 103 Rejections**

Claims 16 and 31 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Silberschatz in view of Jackson et al. (US 2002/0152305). Jackson describes performing resource utilization analysis in information management environments. Jackson, however, does not remedy the defects of Silberschatz described above with respect to the amended claims. Accordingly, Applicants respectfully submit that a person of ordinary skill in the art would not have found the claimed invention obvious in view of the references at the time the invention was made and request that the Examiner withdraw the rejection.

Applicants request that the current rejections be withdrawn and the application allowed for the reasons described above. The Examiner is invited to contact the undersigned by telephone to advance the prosecution of this application.

Respectfully submitted,  
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